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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY  DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10	UNITED STATES OF AMERICA,)	Criminal Case No. 07-CR-1046-L
11)	
12	Plaintiff,)	
13)	
14	v.)	
15)	
16	PEDRO GODINEZ-ORTIZ,)	
17	a/k/a Pedro Godinez-Martinez,)	
18)	
19	Defendant.)	
20)	

AMENDED ORDER OF CONTINUED
COMMITMENT FOR ASSESSMENT OF
DEFENDANT'S DANGEROUSNESS
PURSUANT TO 18 U.S.C. § 4246

On May 7, 2010, the Court entered an order directing that "Defendant continue to be committed to the custody of the Attorney General, or his authorized representative at FMC-Butner or other facility as determined by the Attorney General, for a period not to exceed 45 days, so that the Bureau of Prisons may immediately perform an assessment pursuant to 18 U.S.C. § 4246 to determine whether Defendant is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to the property of another." [Dkt. No. 94.]

On June 22, 2010, Defendant filed a Motion for Immediate Release. [Dkt. No. 96.] Defendant's motion was heard on June 24, 2010. [Dkt. No. 98.] Defendant's motion was denied.

On June 25, 2010, the Court received a letter from the Warden of FMC-Butner, advising that Defendant was admitted to the facility on June 21, 2010, and that staff are conducting interviews and testing of Defendant necessary to complete his evaluation. The letter requested that the 45-day period begin on the date that Defendant was admitted to the facility, June 21, 2010, such period to end on

1 August 4, 2010. The letter further requested an additional 14 days to complete the final report of
2 evaluation.

3 The Court finds that Defendant's initial period of commitment for purposes of evaluation shall
4 be deemed to begin on the date Defendant arrived at FMC-Butner, June 21, 2010. See, e.g., United
5 States v. Cruz-Martinez, 436 F. Supp. 2d 1157, 1163 (S.D. Cal. 2006) (ordering "that the facility director
6 at FMC Butner shall have sixty days from the date defendant arrives at FMC Butner to determine
7 whether to file a dangerousness evaluation") (emphasis added). However, such initial period shall last
8 no more than 30 days from June 21, 2010.

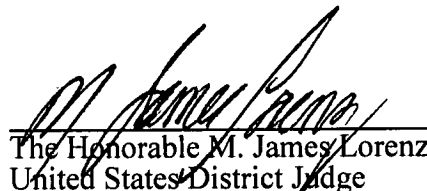
9 In the alternative, if the initial period of commitment is deemed to begin on the date of this
10 Court's Order of May 7, 2010, the Court finds that a 45-day initial period is appropriate. Such 45-day
11 initial period expiring on June 21, 2010, the Court grants a 30-day extension of that period. Good cause
12 has been shown, at the June 24, 2010 hearing and in the Warden's letter referenced herein, that such
13 extension is necessary to observe and evaluate Defendant.

14 The Court further finds that such continued commitment is necessary for an appropriate
15 evaluation of dangerousness, Defendant having previously sustained a conviction for manslaughter; that
16 such commitment is necessary to protect the public; and that such commitment comports with due
17 process. Accordingly:

18 IT IS ORDERED that Defendant Pedro Godinez-Ortiz, a/k/a Pedro Godinez-Martinez (Register
19 No. 03445-298), continue to be committed to the custody of the Attorney General, or his authorized
20 representative at FMC-Butner or other facility as determined by the Attorney General; and that the
21 director of such facility shall determine no later than **July 21, 2010** whether to submit a certificate
22 pursuant to 18 U.S.C. § 4247(b), unless ordered otherwise by this Court.

23 IT IS SO ORDERED.

24 Dated: 6/28/10

25
26 
27 The Honorable M. James Lorenz
28 United States District Judge